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14 November 1977

MEMORANDUM FOR THE RECORD

STATINTL FROM: [REDACTED]  
Policy and Plans Group

SUBJECT: Proposed "Intelligence Activities and  
Individual Rights Act of 1977"

STATINTL 1. On 10 November 1977 [REDACTED] of the Office of Legislative Counsel called a meeting to discuss the proposed "Intelligence Activities and Individual Rights Act of 1977" being prepared by the Senate Select Committee on Intelligence Staff. Attending were:

SSCI Staff  
John Elliff  
Keith Raffel  
Pat Norton  
Elliott Maxwell  
Anne Karelekas

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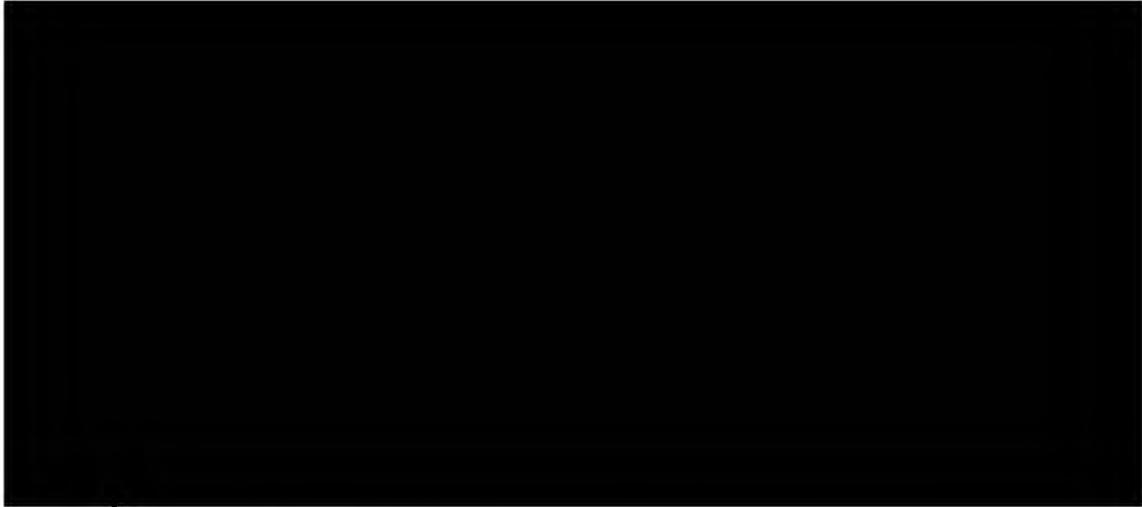
2. John Elliff got things off the ground by noting that he and his fellow staff members were currently engaged in a series of consultative meetings with affected Executive Branch agencies on the proposed bill to determine its acceptability. He noted that the current draft stemmed from comments received last summer on a previous draft dealing with counterintelligence activities (apparently no such draft was provided to OS at the time; however, [REDACTED] has agreed to send me a copy of it now). Mr. Elliff noted particular interest in what concerns the DDO had with

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the revised version and there ensued a two-hour dialogue with the DDO on their problems.

3. Prior to any statement of substantive concern, DDO representatives advised that they had considerable difficulty with terminology since the terms used in the bill did not carry the same meaning in vogue in DDO circles. The DDO concerns about the draft appeared to fall in three main areas:

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b. A question was raised as to whether DDO would have to advise the Attorney General of all FI operations that would involve receipt of information about U. S. persons (page 12, paragraph (6)). The Staff replied that they could advise him before the fact based upon anticipated receipts at the NSC level if they so chose or they could discuss it with his designee on a straight legal basis on the stated 90-day periodic basis.

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4. With DDO concerns out of the way the Staff seemed to be in a hurry to depart the building but wanted some quick comments out of the OS representatives. Based on a short give and take, it was determined that the draft was not attempting to outlaw use of the polygraph, page 18, paragraph (d), nor would the use of cover be denied us, page 19, paragraph (g), since this would be authorized in an Executive Order. John Elliff did make the point that it was their hope that the bill and the Executive Order would be complementary to one another in granting the Intelligence Community what it needed to do its job. Mr. Elliff did raise the question with [redacted] as to whether we would have any trouble using the FBI as our liaison to local police organizations in the face of a threat of violence to any CIA installations in the U. S. It was pointed out to him that many variables would be at issue and a definitive answer at this time would be difficult.

5. Mr. Elliff stated that Staff members would be back to discuss this document further and he specifically allowed that much work needed to be done in the area of defining basic terminology.

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